

REMARKS/ARGUMENTS

Claims 1-13 are pending in the present application. Claims 2 and 13 have been cancelled and new claim 14 has been added. The specification was objected to as not descriptive. Consequently, the title has been amended to add description and the objection is considered overcome. Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Amendments have been made to the claims as suggested by the Examiner to overcome these 35 U.S.C. § 112 issues and Applicant considers this rejection overcome. Claims 1-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ball et al. (U.S. Pat. No. 6,523,898). Claim 13 has been identified as allowable subject matter if rewritten to overcome the 35 U.S.C. § 112, second paragraph rejections. Applicant respectfully traverses the rejections.

Claims 1-12 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ball. In the office action the Examiner remarked that if the Applicant should get rid of "for" language as well as the 112 second paragraph problems in regards to claim 2 that allowable subject matter should be present. Consequently, the Applicant has taken all the Examiner's suggestions and has eliminated the "for" language in the places expressed by the Examiner in claim 1 and has amended claim 2 into claim 1 and additionally has eliminated the "for" language of claim 2. Consequently, claim 2 has been cancelled. Therefore, Applicant believes that with the amendments to claim 1 that as indicated by the Examiner, amended claim 1 is novel and contains allowable subject

matter. Claims 3-11 and new claim 14 depend on claim 1 and for at least this reason are also considered in allowable form.

Additionally, in the office action the Examiner suggested that claim 13 will be allowable if rewritten to include all the limitations of the base claim and any intervening claims to overcome the 35 U.S.C. § 112, second paragraph, rejections. Consequently, Applicant has amended claim 13 into dependent claim 12 and to be an independent claim having all of the limitations of claim 1 wherein the 35 U.S.C. § 112 rejections are overcome. Applicant believes that because the prior art does not teach a locking means comprising a sector gear mounted to the shaft to rotate together with the core, and an engagement member connected to the operating lever via the cable in engagement with teeth of the sector gear thereby holding the backrest at an optional stepwise angle and releasing it as suggested by the Examiner in the office action that amended claim 12 is novel and in allowable form. Because claim 13 has been amended into claim 12, claim 13 has been cancelled. Thus, Applicant asserts that all pending claims 1, 2-12 and 14 in the present application are in allowable form and respectfully requests allowance of all claims.

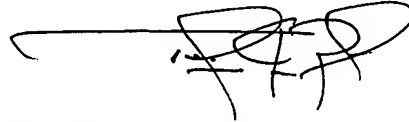
CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently

omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy J. Zarley', with a horizontal line extending to the left.

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